

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)

JOEL HAVEMANN
3838 Woodley Road NW
Washington, DC 20016

Plaintiff,

v.

MICHAEL J. ASTRUE, COMMISSIONER
SOCIAL SECURITY ADMINISTRATION
6401 Security Blvd.
Baltimore, MD 21235

Serve: Michael J. Astrue, Commissioner

Serve: United States Attorney's Office
36 South Charles Street, Fourth Floor
Baltimore, MD 21201

Serve: United States Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Defendant.

Civil Action No. _____

JURY TRIAL DEMAND

COMPLAINT

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. §522, as amended, to compel the production of records as requested by Plaintiff.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B) and 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Joel Havemann is a United States citizen. Plaintiff is the requester of the

withheld records.

4. Defendant SOCIAL SECURITY ADMINISTRATION (hereinafter "SSA") is an agency of the United States, and has possession of and control over the records that Plaintiff seeks.

STATEMENT OF FACTS

5. Plaintiff, a free-lance news journalist, is working on a news story expected to be published by the National Journal. On about February 10, 2011, pursuant to the Freedom of Information Act, 5 U.S.C. § 552 et seq., Plaintiff requested records from Defendant for the publication of his article. Copy of Plaintiff's request is attached hereto as Exhibit 1.

6. By letter dated March 24, 2011, Defendant unilaterally extended their response time by 10 days and invited Plaintiff to narrow the scope of his request. Copy of Defendant's March 24, 2011 response is attached hereto as Exhibit 2.

7. Then by letter dated August 5, 2011, Defendant agreed to provide the information responsive to Plaintiff's request by the end of the fiscal year. Copy of Defendant's August 5, 2011 response is attached hereto as Exhibit 3.

8. After not receiving the promised information by the end of the fiscal year, Plaintiff by letter dated March 5, 2012 demanded the promised information be produced within 20 days. Copy of Plaintiff's March 5, 2012 letter is attached hereto as Exhibit 4.

9. Pursuant to 5 U.S.C. § 552(a)(6)(A), Defendant had to determine within twenty days after the receipt Plaintiff's request whether to comply with his request and had to immediately notify Plaintiff of such determination and the reasons therefore, and of the right to appeal to the head of the agency for any adverse determination, or otherwise notify Plaintiff of "unusual circumstances" as specified under 5 U.S.C. § 552(a)(6)(B).

10. As of today's date, Plaintiff has not received a proper response to his FOIA request.

11. Plaintiff respectfully submits that he has a statutory right to the referenced records, as specified in his request noted in paragraph 5 above, and that there is no legal basis for the Defendant's refusal to disclose them.

CAUSE OF ACTION

**VIOLATION OF THE FREEDOM OF INFORMATION ACT FOR
FAILURE TO COMPLY WITH STATUTORY DEADLINES**

12. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if they were set-forth herein.

13. Response or non-response to Plaintiff's FOIA request violated the statutory deadlines imposed by the FOIA, including the deadlines set forth in 5 U.S.C. § 552(a)(6)(A).

14. Plaintiff has exhausted the applicable administrative remedies with respect to his FOIA request.

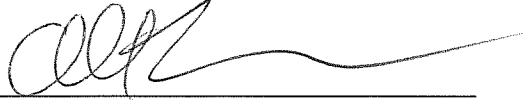
15. SSA has wrongly withheld responsive agency records from Plaintiff.

16. Plaintiff is entitled to injunctive relief compelling the release and disclosure of the requested agency records.

WHEREFORE, Plaintiff requests that this Court declare unlawful Defendant's refusal to disclose the records requested by Plaintiff; order Defendant to make the requested records available to Plaintiff; award Plaintiff's costs and reasonable attorney's fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and, grant such other and further relief as this Court may deem just and proper.

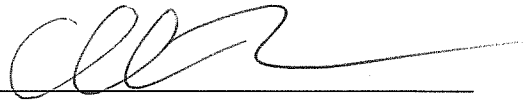
JURY TRIAL DEMANDED

Plaintiff requests a trial by jury on all matters so triable.

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One of The Attorneys For Plaintiff

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'MS', written over a horizontal line.

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